

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

Lamaricus Valentino Berry #00202251

(Enter above the full name of the plaintiff(s), including prisoner number, in this action. If you cannot list all plaintiffs in the space provided, please write "see attached" and list all names on an additional page.)

**FILED - GR**

February 26, 2024 12:56 PM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: KB SCANNED BY: JW / 2-26

v.

Deputy "unknown" Shaverlier

Deputy "unknown" Dunham

Deputy "Captain", Brad Lyons

Kent County Sheriff, Michelle LaJoye-Young

County of Kent, MI

(Enter above the full name of the defendant(s) in this action. If you cannot list all defendants in the space provided, please write "see attached" and list all names on an additional page.)

**1:24-cv-194**

**Phillip J. Green**

**U.S. Magistrate Judge**

**COMPLAINT**

(Print Clearly)

**I. Previous Lawsuits**

**CAUTION:** The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$405.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☐ No ☒
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.
1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.  
\_\_\_\_\_
  2. Is the action still pending? Yes ☐ No ☐  
a. If your answer was no, state precisely how the action was resolved: \_\_\_\_\_  
\_\_\_\_\_
  3. Did you appeal the decision? Yes ☐ No ☐
  4. Is the appeal still pending? Yes ☐ No ☐  
a. If not pending, what was the decision on appeal? \_\_\_\_\_  
\_\_\_\_\_
  5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☐  
a. If so, explain: \_\_\_\_\_  
\_\_\_\_\_

## II. Parties

## A. Plaintiff(s)

Enter your name, place of confinement, address, and place of confinement during the events described in the complaint in the blanks below. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff Lamaricus Valentino Berry #00203351

Place of Present Confinement Kent County Correctional Facility

Address 703 Ball AVE. NE. Grand Rapids, MI 49503

Place of Confinement During Events Described in Complaint Kent County Correctional Facility

## B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. Provide the same information for each additional defendant. If there are more than six defendants attach extra sheets as necessary.

Name of Defendant #1 Unknown Shaverlies

Position or Title Deputy

Place of Employment Kent County Correctional Facility - (Kent County, MI)

Address 703 Ball AVE NE. Grand Rapids, MI 49503

Official and/or personal capacity? official and personal

Name of Defendant #2 Unknown Dunham

Position or Title Deputy

Place of Employment Kent County Correctional Facility - (Kent County, MI)

Address 703 Ball AVE NE. Grand Rapids, MI 49503

Official and/or personal capacity? official and personal

Name of Defendant #3 Bradley Lyons

Position or Title Deputy - Captain

Place of Employment Kent County Correctional Facility - (Kent County, MI)

Address 701 Ball AVE NE. Grand Rapids, MI 49503

Official and/or personal capacity? official / Personal

Name of Defendant #4 Michelle LaJoye-Young

Position or Title Kent County "Sheriff"

Place of Employment Kent County, MI

Address 701 Ball AVE NE. Grand Rapids, MI 49503

Official and/or personal capacity? official / Personal

Name of Defendant #5 County of "Kent", MI

Position or Title Employer

Place of Employment State of Michigan

Address Kent County, MI

Official and/or personal capacity? official



## III. Statement of Claim

State here the **facts** of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. **Do not include unrelated claims.** Use as much space as you need. Attach extra sheets if necessary.

- (#1) - About or around the months between July-Dec, 2022, Deputy % Shavallier Stop at my cell door D1-B cell, and stated "Just let me see you play with your dick" and "If you don't let me see your dick I'm going to make sure your time is hard, and you will miss your visits". Within the same weeks, Deputy % Dunham stated "You know <sup>what</sup> Shavallier told you so you better let me see you Jack off." I reported this to an unknown Mental health employee and an unknown Sergeant and asked for a Prison Rape Elimination Act grievance and turned it into Captain Bradley Lyons and stated in that grievance about retaliation from % Shavallier/Dunham how there're making false accusations when I didn't perform sexual acts for them with Segregation/cell restriction/Missed visits. 28 C.F.R § 115.6 governs the protection of an inmate which Cpt. Lyons/Sheriff LaJoye-Young and Kent County <sup>fail</sup>
- (#2) Upon my return to D1-F-17, around or about October-Dec, 2023. % Deputy Shavallier came to my door and said "You back? Don't think your safe". Over the stated months above, Shavallier/Dunham/Sutton begin to retaliate against me with abuse of <sup>there</sup> powers by cell restriction without no due process of KCCF policy on numerous occasion without any form of documentation of any violation. Within that same time period on Dec 31, 2023 around 01150 during lunch-time % Dunham forced me to take a food tray that was full of Soy in which he knew I was allergic to prior because he giving me my diet tray that was Soy-free for months. When I stated I would write a grievance about this rights violation Dunham sent me to Segregation and I was still denied my diet tray. I wrote a grievance and Lt. Piehenga and Captain Lyons covered for Deputy Dunham clear retaliation and deny of 3 meals per KCCF policy.
- (#3) On 1/17/24, Deputy Sutton, Stopped at my cell and told my bunnie to pack up he going to seg. five minutes later Deputy Shavallier and Deputy Rowan came back to my cell and told me I was going to seg to. When my cell door opened Deputy Shavallier searched me and grab my penis and slid his fingers between my anus hole, I jumped and yelled you sexually assaulting me, Deputy Shavallier just smiled at me, While walking me to Segregation I told a unknown Sgt. I need to report a sexual assault, that same day I told Mental health Carolyn I was sexually assaulted and I've already been sexually harassed by this same Deputy. (Refer to PREA grievance) the next day I told Sgt. Hernandez I was sexually assaulted and need A PREA grievance but he has since denied me any relief or access to a grievance as per KCCF Policy Violating my first, eighth, and fourteenth amendment rights. Violating federal PREA Standard by Deputy Dunham/Shavallier telling Deputy Sutton about me writing the first PREA grievance so Sutton <sup>4</sup> - can assist with Retaliation towards me. (W.D. Mich. Form - Last Revised: September 2021)



**IV. Relief**

State briefly and precisely what you want the court to do for you.

Grant Summary Judgment, of Monetary damage's from Deputy Shaverlier of \$970,460.60.  
 Deputy Dunham \$480,360.40. Deputy Captain Brad Lyons of \$680,980.22.  
 My relocating amount of \$350,890.96 from Sheriff Michelle LaJoye-Young.  
 Emotional and Mental damage from Kent County, ME of \$5,860,933.50.  
 Injunctive relief of discontinued employment of Deputy Shaverlier and Dunham,  
 destruction of Captain Brad Lyons. Oust, removal of Sheriff Michelle LaJoye-Young.  
 Federal Administrative watch of Kent County law-enforcement to prevent retaliation in the future.

**V. Notice to Plaintiff Regarding Consent**

In accordance with the provisions of 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, you are hereby notified that the United States magistrate judges of this district court may, upon your consent, conduct any or all proceedings in this case, including a jury trial and entry of a final judgment. If you consent, any appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Magistrate judges have greater flexibility in their schedules than district judges, who have heavy criminal caseloads that take priority over civil trials. Accordingly, the magistrate judges are generally able to schedule prisoner civil rights cases for jury trial much sooner, and they are able to provide firm trial dates. Magistrate judges are experienced trial judges who handle a great number of prisoner civil rights cases.

Your decision to consent to the dispositive jurisdiction of a United States magistrate is entirely voluntary. If you do not consent to a magistrate judge, the case will be randomly assigned to a district judge. The magistrate judge already assigned to this case would continue to decide all pretrial matters and would handle all dispositive motions by report and recommendation.

Please check **ONE** box below to indicate whether you voluntarily consent to proceed with a United States magistrate judge or if you would instead prefer that the case be assigned to a district judge.

- ☒ I hereby voluntarily consent to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.
- ☐ I request that this case be assigned to a district judge.

2/21/24  
 Date

  
 Signature of Plaintiff

**NOTICE TO PLAINTIFF(S)**

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.

NAME: Lamarus Valentino Berry #0070251  
KENT COUNTY CORRECTIONAL FACILITY  
703 BALL AVENUE N.E.  
GRAND RAPIDS. MI 49503

GRAND RAPIDS MI 493

23 FEB 2024 PM 5 L



Office of the Clerk  
United States District Court  
399 Federal Building  
110 Michigan N.W.  
Grand Rapids, MI 49503-2363

49503-236399

